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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,908	12/19/2001	Fahredin Rexhaj	SUNDS 3.0-127	5160

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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 06/18/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,908

Applicant(s)

REXHAJ, FAHREDIN

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 6-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Amendment

The amendment filed on April 14, 2003 under 37 CFR 1.131 has been considered and an action on the merits follows.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “the slack loop is disengaged from the spring-load feed means” (claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not support how “the slack loop is disengaged from the spring-load feed means”. The drawing of figure 2 shows the slack loop still on the spring-load means (30) after the change of direction of pulleys 25, 26, and 27. Accordingly, it is not disengaged from the spring-loaded feed means (30).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 6 and as best understood, claim 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Flanigan et al. (US 3,157,109).

With regard to claims 2, Flanigan discloses an apparatus for binding bales (see fig. 1) with wire (11) comprising: feed means (24) for feeding and tightening the wire (see col.2, lines 69 to col. 3, line 75); a guide (14) for guiding the wire around the bale (see col. 2, lines 35-40); wire processing means (52) (see figs. 7-9) for cutting, tightening, and twisting the ends of the wire (see col. 4, line 1 to col. 5, line 14); a take up unit/accumulator (an area where rods (19) and rollers (21) occupied) (see col. 2, lines 52-54) for taking up a slack “loop” in the wire create by the tighten of the wire (see col. 5, lines 62-71); a wire magazine that includes a reel of said wire

(17) for supplying the wire to the feed means; and a spring loaded feed means (22). With regard to the spring-load means for damping motion in the wire upon taking up of the slack by continues feeding of the wire, Flanigan discloses when a feed motor (38) is operated in the reverse position, which created a slack “loop” in the wire, the take up unit/ accumulator take up the slack in the wire (see col. 5, lines 62-64). When the feed motor operated in the forward position to continue feeding of the wire for tying the next bale (see col. 5. lines 65-71), it is inherently creates damping motion in the wire on the spring-load means.

With regard to claim 6, Flanigan discloses the spring-load feed means is disposed adjacent to the feed means (see fig. 1).

With regard to claim 7, Flanigan discloses while the feed means is operated in the reverse position, the spring-loaded feed means will take up the slack in the wire so that the spool (17) can continue to rotate under its own inertia (col. 5, lines 62-71), which inherently causes the slack loop loosened from the spring-load feed means.

Response to Arguments

Applicant's arguments filed April 14, 2003 have been fully considered but they are not persuasive.

Applicant argues that the patent to Flanigan does not teach or suggest spring that are capable of dampening the wire (page 4, first paragraph) because Flanigan's springs are provided “merely” to take up slack. With respect to Applicant's assertions, this argument is not found persuasive because, eventhough Flanigan's springs are provided “merely” to take up slack, Flanigan's springs inherently provide a dampening function. The Examiner's position is

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supported by the biasing nature of springs. Springs provide a constant tension but also bias when forces acting thereon are changed. Accordingly, the biasing function inherently provides a dampening function.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

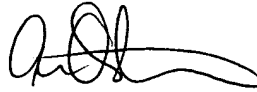
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen
June 17, 2003



**ALLEN OSTRAGER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700**